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Filing date: **11/12/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Proceeding | 92053501 |
| Party | Defendant Del Taco, LLC |
| Correspondence Address | APRIL L BESL DINSMORE SHOHL LLP 255 EAST FIFTH STREET CINCINNATI, OH 45202 UNITED STATES april.besl@dinsmore.com |
| Submission | Stipulated/Consent Motion to Extend |
| Filer's Name | April L Besl |
| Filer's e-mail | april.besl@dinsmore.com |
| Signature | /april l besl/ |
| Date | 11/12/2013 |
| Attachments | Motion to Extend.pdf(9784 bytes) |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

CHRISTIAN M. ZIEBARTH,

Petitioner,

vs.

DEL TACO LLC

Respondent.

Reg. No. 1,043,729
Cancellation No. 92053501

MOTION WITH CONSENT TO EXTEND TESTIMONY PERIODS

Respondent Del Taco LLC ("Respondent") respectfully moves under Trademark Trial and Appeal Board Manual of Procedure § 509.01 and 37 C.F.R. § 2.116(a) to extend all remaining deadlines by a period of 30 days. Counsel for Petitioner Christian Ziebarth ("Petitioner") consents to the requested extension.

This consented motion is not sought for purposes of delay, but rather to give Respondent sufficient time to conduct live cross-examination of witnesses who submitted testimony via affidavit during Petitioner's trial period pursuant to the Stipulation previously entered into by the parties and filed with the Board on October 4, 2013 (Doc. No. 56). The parties have been working diligently to schedule the live cross-examinations. The additional time requested will allow for the completion of all cross-examination testimony without any undue burden on Respondent's trial period. Further, the Stipulation previously filed expressly allows for such extensions of the trial periods as needed.

Accordingly, the parties respectfully request that all open dates be extended for a period of 30 days, as follows:

| | |
|-----------------------------------------|------------------|
| Defendant's 30-Day Trial Period Ends | January 16, 2014 |
| Plaintiff's Rebuttal Disclosures | January 31, 2014 |
| Plaintiff's 15-Day Rebuttal Period Ends | March 2, 2014 |

Dated: **November 12, 2013**

/ April L Besl /

April L. Besl
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Del Taco LLC*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was sent by certified first-class mail, with courtesy copy via email, on this 12th day of November 2013, to Kelly K. Pfeiffer, Amezcua-Moll & Associates, P.C., Lincoln Professional Center, 1122 E. Lincoln Ave. Suite 203, Orange, CA 92865.

/ April L Besl /

April L Besl